

**Butler, David**

252840

**From:** Butler, David  
**Sent:** Tuesday, October 07, 2014 2:50 PM  
**To:** 'Marty McNinch'  
**Cc:** Yarbrough, Barbara G; Shafeek-Horton, Timika; Bateman, Andrew; Hudson, Shannon; Franklin, Brian L  
**Subject:** RE: Hearing Examiner Directive - Holding Testimony Dates in Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No. 2014-302-E.doc

Mr. McNinch:

Yes, the Commission has Ms. Yarbrough's testimony. She is Regulatory Affairs Manager for Duke and she investigated your complaint. Obviously, I can't answer your question about why you don't seem to have her testimony. I do have a Certificate of Service by Duke, which stated that the Yarbrough testimony was mailed to you by electronic mail on September 19, 2014. You may want to check your e-mail for that day. However, to remove all doubt, I am going to ask Duke, by copy of this letter, to get the testimony to you ASAP. I am also going to continue the hearing and give you until next Wednesday, October 15, 2014 to file responsive testimony, if so desired. I will have to come up with another hearing date, which will be soon. Meanwhile, you may want to use this extra time to enter a discussion with the Company about a payment plan. I think that is the real issue in this case.

Regards,  
David Butler  
Hearing Examiner

-----Original Message-----

**From:** Marty McNinch [<mailto:mmcninch1@gmail.com>]  
**Sent:** Tuesday, October 07, 2014 2:19 PM  
**To:** Butler, David  
**Cc:** Yarbrough, Barbara G; Shafeek-Horton, Timika; Bateman, Andrew; Hudson, Shannon; Franklin, Brian L  
**Subject:** Re: Hearing Examiner Directive - Holding Testimony Dates in Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No. 2014-302-E.doc

Dear Mr. Butler,

My Wife and I are confused. We have the direct testimony of Takisha Anderson(ORC) sent to us by mail, also a certified letter from PSC, which upon closer examination today says, Request for Confidential Treatment of Duke witness Barbara G Yarbrough's confidential testimony exhibits 2, 3, 4, and 6.

We have not received by mail or certified mail any of Ms Yarbrough's testimony. This is very confusing. Does the PSC have Ms Yarbrough's testimony? Wasn't a copy of Ms Yarbrough's testimony supposed to be sent to us. We received Ms Anderson's testimony and the "Confidentiality testimony for Ms Yarbrough" letter as we read today, from the PSC in a regular size envelope by certified mail. Isn't even Ms Yarbrough's testimony to be sent to us?

We haven't to our knowledge received Ms Yarbrough's testimony exhibits. We have thought and looked but we haven't got it.

Was it sent in a regular envelope and was it sent by certified mail?

We don't see a receipt for it, only for "confidentiality" letter for Ms Yarbrough's testimony, which testimony we thought we had but was Ms Anderson's.

What are we to do? We thought we had all the testimony. But we don't evidently.

Please help us. We don't know what to do now. This is just a mess. I am very upset about this. We have to respond by today but upon a closer look at all the paperwork, Ms Yarbrough's testimony and exhibits aren't here. A large corporation like DE can't even handle a small, easy case as this by providing proper paperwork to us.

Who is Ms Yarbrough and what does she have to do with our case. I know my wife spoke to her on the phone once. I have communicated with her via email.

Is she the main lawyer representing DE vs us? This has to be more organized by her or someone else. DE ,in our opinion, has dropped the ball all the way round by putting us on EPP without us knowing and NOW THIS.

Please tell us what to do. The last 4 months of stressing over this mess has got to us physically and mentally. My wife lost 20 lbs last month and the Dr. now concerned about her liver and says she has to be stress free as possible..HaH!

Please respond ASAP.

Sincerely,

Marty McNinch

--

P.S. Find out why so many  
Internet Marketer are changing  
to Traffic Wave Autoresponder  
from eweber,icontact,getresponse  
ect.....  
<http://www.trafficwave.net/members/autolistbuilder/pricing.html>